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CHARLES W. MCCALL

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
CHARLES W. MCCALL and JAY M.  
LAPINE,  
  
Defendants.

Case No.: CR-00-0505-WHA

**~~PROPOSED~~ AMENDMENT TO  
JANUARY 11 FREEZE ORDER**

The Honorable William H. Alsup  
Courtroom 9, Nineteenth Floor

1  
2 WHEREAS, on January 11, 2010, this Court entered an Order freezing the assets of  
3 defendant Charles W. McCall ("McCall") as a condition of release pending sentencing (the  
4 "January 11 Freeze Order"); and

5 WHEREAS, the parties agree that an Amendment to the January 11 Freeze Order is  
6 required;

7 It is hereby ordered that this Court's January 11 Freeze Order is amended as  
8 follows:

9 1. McCall's checking account at Bank of America is hereby expressly excluded from  
10 the January 11 Freeze Order, and McCall may dispose of or transfer any assets or proceeds  
11 in this account without restriction. Bank of America is hereby ordered to make any assets  
12 or proceeds in McCall's checking account available to him without delay.

13 2. In lieu of paragraph 1(b) of the January 11 Freeze Order, which is hereby stricken,  
14 McCall may direct a one-time transfer of \$60,000 from Morgan Stanley to McCall's Bank  
15 of America account, and McCall may also make a one-time withdrawal of \$30,000 from  
16 Merrill Lynch for deposit at McCall's checking account at Bank of America. Morgan  
17 Stanley and Merrill Lynch are hereby ordered to comply with any instruction from McCall  
18 directing the transfer described in this paragraph without delay. The terms of the January  
19 11 Freeze Order shall otherwise remain in full force and effect.

20 3. Pending any further order of this Court, McCall and any bank or financial  
21 institution that receives actual notice of this Order by personal service or otherwise shall  
22 comply with this Order.

23 4. Service of this Order shall be made by McCall by serving it on Bank of America,  
24 Merrill Lynch, and Morgan Stanley by facsimile, hand delivery, overnight courier, mail, or  
25 electronic mail. Service shall be made within two (2) business days of the date this Order is  
26 issued. McCall shall provide proof of service to the government within two (2) business  
27 days of service upon each of Bank of America, Merrill Lynch, and Morgan Stanley.

28 5. In the event that McCall is sentenced to a term of imprisonment, this Order shall

1 expire at the time that McCall begins serving the term of imprisonment.

2 6. This Order may be amended by the Court upon application by any party or other  
3 person, bank, or financial institution who receives service of this Order.

4 IT IS SO ORDERED.

5  
6 DATED: January 20, 2010

7 THE HONORABLE WILLIAM H. ALSUP

